

## **Federal Operating Permit**

### **Article 1**

This permit is based upon the requirements of Title V of the Federal Clean Air Act and Chapter 80, Article 1 of the Commonwealth of Virginia Regulations for the Control and Abatement of Air Pollution. Until such time as this permit is reopened and revised, modified, revoked, terminated or expires, the permittee is authorized to operate in accordance with the terms and conditions contained herein. This permit is issued under the authority of Title 10.1, Chapter 13, §10.1-1322 of the Air Pollution Control Law of Virginia. This permit is issued consistent with the Administrative Process Act, and 9 VAC 5-80-50 through 9 VAC 5-80-300 of the State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution of the Commonwealth of Virginia.

Authorization to operate a Stationary Source of Air Pollution as described in this permit is hereby granted to:

Permittee Name:	Philip Morris USA Inc.
Facility Name:	Philip Morris USA Inc. – Blended Leaf Complex
Facility Location:	2325 Maury Street Richmond, Virginia
Registration Number:	50080, 50082
Permit Number:	PRO50080, 50082

This permit includes the following programs:

### **Federally Enforceable Requirements - Clean Air Act (Sections I through IX)**

January 1, 2005

Effective Date

January 1, 2010

Expiration Date

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Air Permit Manager, Department of Environmental Quality

February 7, 2008

Signature Date

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## **I. Facility Information**

### **Permittee**

Philip Morris USA Inc.  
P. O. Box 26603  
Richmond, Virginia 23261

### **Responsible Official**

Mr. Jesse L. Calloway  
Vice President and General Manager  
(804) 274-6207

### **Facility**

Philip Morris USA Inc. – Blended Leaf Complex  
2325 Maury Street  
Richmond, Virginia 23234

### **Contact Person**

Ms. Patricia Bruce  
Staff Engineer  
(804) 274-3649

### **County - Plant Identification Numbers:**

51-760-0052 (Reg. No: 50080) (Blended Leaf Plant)  
51-760-0009 (Reg. No: 50082) (Leaf Processing Facility)

**Facility Description:** NAICS 312229 - The Philip Morris USA Inc., Blended Leaf Complex has four facilities: the Blended Leaf Plant (BL, Reg. No. 50080), the Leaf Processing Facility (LPF, Reg. No. 50082), the Tobacco Quality Assurance Facility, and the Maury Street Warehouses. The BL mixes tobacco pieces to make sheets of tobacco that are later shredded for use in cigarettes. The LPF currently houses the Tobacco Flavoring and Packaging Process, Research & Development Process A and the Central Housekeeping Vacuum System. There are three boilers at the LPF that are subject to 40 CFR 60 Subpart Dc.

## II. Emission Units

Equipment to be operated consists of:

Emission Unit ID	Stack ID	Emission Unit Description	Size/Rated Capacity*	Control Device (PCD) Desc.	PCD ID	Pollutant Controlled	Applicable Permit Date
<b>Fuel Burning Equipment at LPF (50082)</b>							
BO0401	AE01	Kewanee H3S-400-G02 package boiler (August 8 1996)	16.8 mmBtu/hr	None			May 19, 2003 (NSPS Dc)
BO0101	AE01	B & W FM 10-52 boiler (August 8 1996)	52.7 mmBtu/hr	None			May 19, 2003 (NSPS Dc)
BO0201	AE01	B & W FM 10-70 boiler (August 8 1996)	70.0 mmBtu/hr	None			May 19, 2003 (NSPS Dc)
<b>Additional Equipment at LPF (50082)</b>							
FPP		Flavoring and Packaging Process – Tobacco flavoring, blending, aging, cooling and packaging process equipment (2007)	0.69 LPFP units/hr dry weight basis				November 16, 2007
Other VOC	Fugitive	Other VOC additive processing (2007)	0.13 LPFP units				November 16, 2007
R&D A	AE-R4 for fugitive VOC (other stacks vent PM inside bldg.)	Research and Development Process A Tobacco preparation, storage, processing and packaging. June 28, 2005	1650 lb/hr dry weight basis	Fabric filter Cartridge filter Fabric filter VOC limit	BHRD01 BHRD02 BHRD03	PM  VOC	November 16, 2007
CN-01-02 and CN-01-01	AE-16	Central Housekeeping Vacuum System March 21, 1997	40 lbs/hr based on material recovered from the fabric filter	Fabric filter	BH0201	PM	November 16, 2007

Emission Unit ID	Stack ID	Emission Unit Description	Size/Rated Capacity*	Control Device (PCD) Desc.	PCD ID	Pollutant Controlled	Applicable Permit Date
<b>Equipment at BL – Product forming and drying lines (50080)</b>							
GR0201, GR0301	AE-47 AE-48	Two tobacco grinders	combined maximum rated capacity of 39.09 tobacco processing A units/hr	Two fabric filters	BH0801 BH0901	PM	April 13, 2004
DT0101, DT0301 and DT0501	AE-33, AE-16, AE-19, AE-23, AE-24, AE-32, AE-15, AE-18, AE-22, AE-12, AE-31, AE-11, AE-14, AE-17, AE-21	Three main tobacco dryers	combined maximum rated throughput capacity of 22.61 tobacco processing A units/hr and a combined maximum rated heat input capacity of 87.3 mm BTUs/hr	None			April 13, 2004
DT0201, DT0401 and DT0601	AE09, AE-06, AE-39, AE-13, AE-05, AE-38, AE-08, AE-03, AE-37	Three “C” dryers	combined maximum rated throughput capacity of 22.61 tobacco processing A units/hr and a combined maximum rated heat input capacity of 13.2 mmBTUs/hr	None			April 13, 2004

### III. Fuel Burning Equipment Requirements – Leaf Processing (Reg. No. 50082)

Unit Reference Numbers and Manufacturer: BO0101 (Babcock & Wilcox FM 10-52);  
BO0201 (Babcock & Wilcox FM 10-70); BO0401 (Kewanee H3S-400-G02).

#### A. Limitations

1. **Emission Controls** – All boiler emissions shall be controlled by proper operation and maintenance. Boiler operators shall be trained in the proper operation of all such equipment. Training shall consist of a review and familiarization of the manufacturer's operating instructions, at minimum. The permittee shall maintain records of the required training including a statement of time, place, and nature of training provided. The permittee shall have available good written operating procedures and a maintenance schedule for the boiler. These procedures shall be based on the manufacturer's recommendations, at minimum. All records required by this condition shall be kept on site and made available for inspection by the DEQ.  
(9 VAC 5-170-160 and Condition #3 of the 5/19/03 permit)
2. **Fuel** - The approved fuels for the three boilers are distillate oil and natural gas. A change in the fuel may require a permit to modify and operate.  
(9 VAC 5-80 110 and Condition #4 of the 5/19/03 permit)
3. **Fuel Throughput**- The three boilers combined shall consume no more than  $1.222 \times 10^9$  cubic feet of natural gas or  $6.76 \times 10^6$  gallons of No. 2 distillate oil per year. If a combination of the two fuels is used, then the quantities of natural gas and No. 2 distillate oil shall not exceed values that will allow the following equation to hold true:

$$(X) \times (1000 \text{ BTU/ft}^3) + (Y) \times (140,000 \text{ BTU/gal}) \leq \underline{1222 \text{ Billion BTU/yr}}$$

where X = number of cubic feet of natural gas burned in a year and

Y = number of gallons of No. 2 distillate oil burned in a year

Calculated monthly as the sum of each consecutive 12-month period

(9 VAC 5-80-110, 9 VAC 5-50-260 and Condition #5 in the 5/19/03 permit)

4. **Fuel** – The No. 2 distillate oil and natural gas shall meet the specifications below:

**DISTILLATE OIL:** which meets the ASTM D396 specification for numbers 1 or 2 fuel oil: **Maximum sulfur content per shipment: 0.5%**

(9 VAC 5-80-110 and Condition #6 of the 5/19/03 permit)

5. **Fuel Certification** – The maximum sulfur content of the No. 2 distillate oil to be burned in the three boilers shall not exceed 0.5 percent by weight per shipment. The permittee shall obtain a certification from the fuel supplier with each shipment of distillate oil. Each fuel supplier certification shall include the following:

- (a) The name of the fuel supplier;
- (b) The date on which the distillate oil was received;
- (c) The volume of distillate oil delivered in the shipment;
- (d) A statement that the distillate oil complies with the American Society for Testing and Materials specifications for numbers 1 or 2 fuel oil;
- (e) The sulfur content of the distillate oil.

(9 VAC 5-50-410, 9 VAC 5-80-110 and Condition #7 from the 5/19/03 permit)

6. **Emission Limits** - Emissions from the operation of the B & W 10-52 boiler (BO0101) shall not exceed the limits specified below:

TSP	0.8 lbs/hr	3.3 tons/yr
PM-10	0.4 lbs/hr	1.8 tons/yr
Sulfur Dioxide	26.8 lbs/hr	117.2 tons/yr
Nitrogen Oxides (as NO <sub>2</sub> )	7.6 lbs/hr	33.0 tons/yr
Carbon Monoxide	4.4 lbs/hr	19.4 tons/yr
Volatile Organic Compounds	0.3 lbs/hr	1.3 tons/yr

These emissions are derived from the estimated overall emission contribution from operating limits. Exceedance of the operating limits shall be considered credible evidence of the exceedance of emission limits. Compliance with these emission limits may be determined as stated in Condition numbers II, III.A.1, III.A.2, III.A.3, III.A.4, and III.A.5.

(9 VAC 5-80-110 and Condition #8 of the 5/19/03 permit)

7. **Emission Limits** - Emissions from the operation of the B & W 10-70 boiler (BO0201) shall not exceed the limits specified below:

TSP	1.0 lbs/hr	4.4 tons/yr
PM-10	0.6 lbs/hr	2.4 tons/yr
Sulfur Dioxide	35.5 lbs/hr	155.7 tons/yr
Nitrogen Oxides (as NO <sub>2</sub> )	10.0 lbs/hr	43.9 tons/yr
Carbon Monoxide	5.9 lbs/hr	25.8 tons/yr
Volatile Organic Compounds	0.4 lbs/hr	1.7 tons/yr



These emissions are derived from the estimated overall emission contribution from operating limits. Exceedance of the operating limits shall be considered credible evidence of the exceedance of emission limits. Compliance with these emission limits may be determined as stated in Condition numbers II, III.A.1, III.A.2, III.A.3, III.A.4, and III.A.5.

(9 VAC 5-80-110 and Condition # 11 of the 5/19/03 permit)

8. **Emission Limits** – Emissions from the operation of the BO-04-01 package boiler shall not exceed the limits specified below:

TSP	0.3 lbs/hr	1.1 tons/yr
PM-10	0.2 lbs/hr	0.6 tons/yr
Sulfur Dioxide	8.6 lbs/hr	37.3 tons/yr
Nitrogen Oxides (as NO <sub>2</sub> )	2.4 lbs/hr	10.5 tons/yr
Carbon Monoxide	1.5 lbs/hr	6.3 tons/yr
Volatile Organic Compounds	0.1 lbs/hr	0.5 tons/yr

These emissions are derived from the estimated overall emission contribution from operating limits. Exceedance of the operating limits shall be considered credible evidence of the exceedance of emission limits. Compliance with these emission limits may be determined as stated in Condition numbers II, III.A.1, III.A.2, III.A.3, III.A.4, and III.A.5.

(9 VAC 5-80-110 and Condition #10 of the 5/19/03 permit)

9. **Total Boiler Emission Limits – Regardless of the emission limits in Section III. A-6, 7, 8 above, the combined emissions from the operation of all three boilers shall not exceed the limits specified below:**

TSP	6.8 tons/yr
PM-10	4.7 tons/yr
Sulfur Dioxide	240.3 tons/yr
Nitrogen Oxides (as NO <sub>2</sub> )	67.7 tons/yr
Carbon Monoxide	51.3 tons/yr
Volatile Organic Compounds	3.4 tons/yr

These emissions are derived from the estimated overall emission contribution from operating limits. Exceedance of the operating limits shall be considered credible evidence of the exceedance of emission limits. Compliance with these emission limits may be determined as stated in Condition numbers II, III.A.1, III.A.2, III.A.3, III.A.4, and III.A.5.

(9 VAC 5-80-110 and Condition #11 of the 5/19/03 permit)

10. **Visible Emissions** - Visible emissions from the boiler stack shall not exceed 20 percent opacity except during one six-minute period in any one hour in which

visible emissions shall not exceed 27 percent opacity. This condition applies at all times except during start-up, shutdown, or malfunction.

(9 VAC 5-80-110, 9 VAC 5-50-80, 9 VAC 5-50-410 and Condition #12 in the 5/19/03 permit)

## **B. Monitoring**

Once per month, the permittee shall conduct an observation of the presence of visible emissions from the boiler stack. If visible emissions are observed, the permittee shall take timely corrective action such that the units resume operation with no visible emissions, or perform a visible emission evaluation (VEE) in accordance with 40 CFR 60, Appendix A, Method 9 to assure visible emissions from the boiler stack does not exceed 20 percent opacity. The VEE shall be conducted for a minimum of six minutes. If any of the observations exceed 20 percent, the VEE shall be conducted for a total of 60 minutes. If compliance is not demonstrated by the VEE, timely corrective action shall be taken such that the boiler stack resumes operation with visible emissions of 20 percent or less. The permittee shall maintain an observation log to demonstrate compliance. The log shall include the date and time of the observations, whether or not there were visible emissions, any VEE recordings, and any necessary corrective action.

(9 VAC 5-80-110, 9 VAC 5-50-410)

## **C. Recordkeeping and Reporting**

1. The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with the requirements of Section III.A of this permit. The content of and format of such records shall be arranged with the Director, Piedmont Region. These records shall include, but are not limited to:

(a) The monthly throughput of natural gas and distillate oil for the boilers and

(b) All fuel supplier certifications

These records shall be available on site for inspection by the DEQ and shall be current for the most recent five years.

(9 VAC 5-50-410 and 9 VAC 5-80-110)

2. The permittee shall submit fuel quality reports to the Director, Piedmont Region within 30 days after the end of each calendar quarter. If no shipments of distillate oil were received during the calendar quarter, the quarterly report shall consist of the dates included in the calendar quarter and a statement that no oil was received during the calendar quarter. If distillate oil was received during the calendar quarter the reports shall include:

- (a) The dates included in the calendar quarter
- (b) A copy of all fuel supplier certifications for all shipments of distillate oil received during the calendar quarter or a quarterly summary from each fuel supplier that includes the information specified in Section III.A.5 for each shipment of distillate oil, and
- (c) A signed statement from the owner or operator of the facility that the fuel supplier certifications or summaries of the fuel supplier certifications represent all of the distillate oil burned or received at the facility.

These records shall be available for inspection by the DEQ and shall be current for the most recent five years.

(9 VAC 5-50-50)

#### **D. Testing**

If testing is conducted in addition to the monitoring specified in this permit, the permittee shall use the appropriate method(s) in accordance with procedures approved by the DEQ.

(9 VAC 5-80-110)

#### **IV. Process Equipment Requirements – Leaf Processing (Reg. No: 50082)**

##### **A. Limitations**

1. **Emissions Control** – Particulate and PM-10 emissions from the Central Housekeeping Vacuum System shall be controlled by a fabric filter (stack AE-16). The fabric filter shall be provided with adequate access for inspection. The fabric filter shall be equipped with a device to continuously measure the differential pressure drop across the fabric filter. The device shall be installed in an accessible location and shall be maintained by the permittee such that it is in proper working order at all times.  
(9 VAC 5-50-260 and 9 VAC 5-80-1100 and Condition #2 of the November 16, 2007 permit)
2. **Emission Controls** – Particulate and PM-10 emissions from the Research & Development Process A shall be controlled by fabric filters. The fabric filters shall be provided with adequate access for inspection. The fabric filters shall be equipped with a device to continuously measure the differential pressure drop across the fabric filters. The devices shall be installed in an accessible location and shall be maintained by the permittee such that it is in proper working order at all times.  
(9 VAC 5-50-260 and 9 VAC 5-80-1100 and Condition #3 of the November 16, 2007 permit)
3. **Emission Controls** – Volatile organic compound (VOC) emissions from the Research & Development Process A and the Flavoring and Packaging Process shall be controlled by limiting the throughput of VOCs.  
(9 VAC 5-50-260 and 9 VAC 5-80-1100 and Condition #4 of the November 16, 2007 permit)
4. **Throughput** – The annual throughput of tobacco to the Central Housekeeping Vacuum System shall not exceed 480 tons, calculated as the sum of each consecutive 12 month period.  
(9 VAC 5-80-1180 and Condition #7 in the November 16, 2007 permit)
5. **Throughput** – The annual throughput of tobacco to the Research & Development Process A shall not exceed 200 tons, calculated as the sum of each consecutive 12-month period.  
(9 VAC 5-80-1180 and Condition #8 of the November 16, 2007 permit)
6. **Throughput** – The annual throughput of materials that are greater than 10% volatile in the Research & Development Process A processing vessel shall not exceed 1.7 tons, calculated as the sum of each consecutive 12-month period.  
(9 VAC 5-80-1180 and Condition #9 of the November 16, 2007 permit)

7. **Throughput** –The annual throughput of materials that are less than or equal to 10% (slightly) volatile materials in the Research & Development Process A processing vessel shall not exceed 13.2 tons, calculated as the sum of each consecutive 12-month period.  
(9 VAC 5-80-1180 and Condition #10 of the November 16, 2007 permit)
8. **Throughput** – The combined annual throughput of tobacco to the Flavoring and Packing Process and the Pilot Tobacco Flavoring and Packing Process shall not exceed 393.6 LPFP units, calculated as the sum of each consecutive 12 month period.  
(9 VAC 5-80-1180 and Condition #11 of the November 16, 2007 permit)
9. **Throughput** – The combined annual throughput of the volatile organic compounds added to the Flavoring and Packaging Process and the Pilot Tobacco Flavoring and Packaging Process shall not exceed 33.34 tons, calculated as the sum of each consecutive 12 month period.  
(9 VAC 5-80-1180 and Condition #12 of the November 16, 2007 permit)
10. **Emission Limits** – Emissions from the operation of the Central Housekeeping Vacuum System shall not exceed the limits specified below:
- |       |            |             |
|-------|------------|-------------|
| TSP   | 0.4 Lbs/hr | 4.8 Tons/yr |
| PM-10 | 0.1 Lbs/hr | 1.2 Tons/yr |
- (9 VAC 5-50-260, 9 VAC 5-50-180 and Condition #13 in the November 16, 2007 permit)
11. **Emission Limits** – Emissions from the operation of the Research & Development Process A shall not exceed the limits specified below:
- |                   |             |             |
|-------------------|-------------|-------------|
| PM, PM-10, PM-2.5 | 4.5 Lbs/hr  | 0.6 Tons/yr |
| VOC               | 45.1 Lbs/hr | 3.0 Tons/yr |
- (9 VAC 5-50-260, 9 VAC 5-50-180 and Condition #14 in the November 16, 2007 permit)
12. **Emission Limits** – Emissions from the operation of the Flavoring and Packaging Process shall not exceed the limits specified below:
- |                   |            |             |
|-------------------|------------|-------------|
| PM, PM-10, PM 2.5 | 3.2 Lbs/hr | 0.9 Tons/yr |
|-------------------|------------|-------------|
- (9 VAC 5-50-260, 9 VAC 5-50-180 and Condition #15 in the November 16, 2007 permit)
13. **Emission Limits** – Combined emissions from the operation of the Flavoring and Packaging Process and the Pilot Tobacco Flavoring and Packing Process shall not exceed the limits specified below:
- |      |            |              |
|------|------------|--------------|
| VOC* | 8.2 Lbs/hr | 35.8 Tons/yr |
|------|------------|--------------|
- \*The hourly VOC emission limit is calculated based on an annual average rate using 8760 hours per year.  
(9 VAC 5-50-260, 9 VAC 5-50-180 and Condition #16 in the November 16, 2007 permit)

14. **Visible Emission Limit** – Visible emissions from the Central Housekeeping Vacuum System shall not exceed 5 percent opacity as determined by EPA Method 9 (reference 40 CFR 60, Appendix A).  
(9 VAC 5-50-260, 9 VAC 5-50-80 and Condition #17 in the November 16, 2007 permit)
15. **Visible Emission Limit** – Visible emissions from the Research & Development Process A shall not exceed 5 percent opacity as determined by EPA Method 9 (reference 40 CFR 60, Appendix A).  
(9 VAC 5-50-260, 9 VAC 5-50-80 and Condition #18 in the November 16, 2007 permit)

## **B. Monitoring**

Once per month, if the systems are operating, the permittee shall conduct a visible emissions observation of the Central Vacuum System and the Research & Development Process A exhaust points. If visible emissions are observed, the permittee shall take timely corrective action such that the units resume operation with no visible emissions. The permittee shall maintain an observation log to demonstrate compliance. The log shall include the date and time of the observations, whether or not there were visible emissions, and any necessary corrective action.  
(9 VAC 5-80-110)

## **C. Recordkeeping and Reporting**

The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content of and format of such records shall be arranged with the Piedmont Regional Office. These records shall include, but are not limited to:

- (a) The yearly throughput of tobacco to the Central Housekeeping Vacuum System, calculated as the sum of each consecutive 12 month period.
- (b) The yearly throughput of tobacco, on a dry weight basis, to the Research & Development Process A, calculated as the sum of each consecutive 12 month period.
- (c) The yearly throughput of materials that are greater than 10% volatile to the Research & Development Process A, calculated as the sum of each consecutive 12 month period.
- (d) The yearly throughput of materials that are less than or equal to 10% (slightly) volatile to the Research & Development Process A, calculated as the sum of each consecutive 12 month period.

- (e) The combined yearly throughput of tobacco on a dry weight basis to the Flavoring and Packaging Process and the Pilot Tobacco Flavoring and Packing Process, calculated as the sum of each consecutive 12 month period.
- (f) The combined yearly throughput of flavor volatile organic compounds added to the Flavoring and Packaging Process and the Pilot Tobacco Flavoring and Packing Process, calculated as the sum of each consecutive 12 month period.

These records shall be available for inspection by the DEQ and shall be current for the most recent five years.

(9 VAC 5-50-50, 9 VAC 5-80-110 and Condition #19 of the November 16, 2007 permit)

#### **D. Testing**

1. The permitted facility shall be constructed so as to allow for emissions testing upon reasonable notice at any time, using appropriate methods. Test ports shall be provided at the following locations:

- a. Fabric filter for the Central Housekeeping Vacuum System stack (AE-16)
- b. Fabric filters for the Research & Development Process A stacks

(9 VAC 5-80-110 and Condition #6 in the November 16, 2007 permit)

2. If testing is conducted in addition to the monitoring specified in this permit, the permittee shall use the appropriate methods in accordance with procedures approved by DEQ.

(9 VAC 5-80-110)

**V. Process Equipment Requirements – Blended Leaf (Reg. No: 50080)**

**A. Limitations**

1. **Emission Controls** – Particulate emissions from the tobacco grinders shall be controlled by fabric filters. Each fabric filter shall be equipped with a device to continuously measure the differential pressure drop across the fabric filter. Each device shall be installed in an accessible location and shall be maintained by the permittee such that it is in proper working order at all times.  
(9 VAC 5-80-1180 and Condition #3 in the 4/13/04 permit)
2. **Fuel** – The approved fuel for the Main Dryers (DT0101, DT0301 and DT0501) and the “C” dryers (DT0201, DT0401 and DT0601) is natural gas. A change in the fuel may require a permit to modify and operate.  
(9 VAC 5-80-1180 and Condition #4 in the 4/13/04 permit)
3. **Fuel Throughput** – The annual throughput of natural gas to the main dryers shall not exceed  $750 \times 10^6$  ft<sup>3</sup>/yr, calculated as the sum of each consecutive 12 month period.  
(9 VAC 5-80-1180 and Condition #7 of the 4/13/04 permit)
4. **Fuel Throughput** – The annual throughput of natural gas to the “C” dryers shall not exceed  $115 \times 10^6$  ft<sup>3</sup>/yr, calculated as the sum of each consecutive 12 month period.  
(9 VAC 5-80-1180 and Condition #8 of the 4/13/04 permit)
5. **Throughput Limit** – The tobacco grinders (GR0201, GR0301) shall process no more than 342.89 tobacco processing B units per year (based on 0% moisture), calculated as the sum of each consecutive 12 month period.  
(9 VAC 5-80-1180 and Condition #6 of the 4/13/04 permit)
6. **Emission Limits** – Emissions from the operation of the tobacco grinders (GR0201, GR0301) shall not exceed the limits specified below:

Volatile Organic Compounds	3.94 lbs/hr	17.3 tons/yr
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(9 VAC 5-80-1180, 9 VAC 5-50-260 and Condition #9 of the 4/13/04 permit)

7. **Emission Limits** – Emissions from the operation of the main dryers shall not exceed the limits specified below:

Total Suspended Particulate	3.7 lbs/hr	16.0 tons/yr
PM-10	0.9 lbs/hr	4.0 tons/yr
Nitrogen Oxides (as NO <sub>2</sub> )	21.0 lbs/hr	91.8 tons/yr



Carbon Monoxide	50.7 lbs/hr	222.0 tons/yr
Volatile Organic Compounds	106.9 lbs/hr	299.0 tons/yr

(9 VAC 5-80-1180, 9 VAC 5-50-260 and Condition #10 of the 4/13/04 permit)

8. **Emission Limits** – Emissions from the operation of the “C” dryers shall not exceed the limits specified below:

Total Suspended Particulate	3.6 lbs/hr	15.7 tons/yr
PM-10	0.9 lbs/hr	3.9 tons/yr
Nitrogen Oxides (as NO <sub>2</sub> )	6.1 lbs/hr	26.9 tons/yr
Carbon Monoxide	10.2 lbs/hr	44.8 tons/yr
Volatile Organic Compounds	75.9 lbs/hr	222.3 tons/yr

(9 VAC 5-80-1180, 9 VAC 5-50-260 and Condition #11 of the 4/13/04 permit)

9. **Emission Limits** – Regardless of the emission limitations imposed by Section V. A-6, 7, 8, facility-wide emissions from the blended leaf facility shall not exceed the limits specified below:

Total Suspended Particulate	7.3 lbs/hr	31.9 tons/yr
PM-10	1.9 lbs/hr	8.0 tons/yr
Nitrogen Oxides (as NO <sub>2</sub> )	27.1 lbs/hr	118.7 tons/yr
Carbon Monoxide	61.0 lbs/hr	266.8 tons/yr
Volatile Organic Compounds	186.0 lbs/hr	525.6 tons/yr

(9 VAC 5-80-1180, 9 VAC 5-50-260 and Condition #12 of the 4/13/04 permit)

10. **Visible Emissions** – Visible emissions from the tobacco grinder fabric filters shall not exceed five (5) percent opacity as determined by EPA Method 9 (reference 40 CFR 60, Appendix A).  
(9 VAC 5-80-1180 and Condition #13 of the 4/13/04 permit)

## B. Monitoring

Once per month, the permittee shall conduct an observation of the presence of visible emissions from tobacco grinder fabric filter stacks. If visible emissions are observed, the permittee shall take timely corrective action such that the units resume operation with no visible emissions. The permittee shall maintain an observation log to demonstrate compliance. The log shall include the date and time of the observations, whether or not there were visible emissions, and any necessary corrective action.  
(9 VAC 5-80-110)

### **C. Recordkeeping and Reporting**

The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content of and format of such records shall be arranged with the Director, Piedmont Regional Office. These records shall include, but are not limited to:

- (a) The yearly throughput of natural gas to the main dryers, and “C” dryers, calculated as the sum of each consecutive 12 month period.
- (b) The throughput of tobacco (on a basis of 0% moisture), in pounds, to the tobacco grinder, calculated as the sum of each consecutive 12 month period.
- (c) The throughput of tobacco (on a basis of 0% moisture), in pounds, to the main dryers, calculated as the sum of each consecutive 12 month period.
- (d) The throughput of tobacco (on a basis of 0% moisture), in pounds, to the “C” dryers, calculated as the sum of each consecutive 12 month period.

These records shall be available for inspection by the DEQ and shall be current for the most recent five (5) years.

(9 VAC 5-80-1180, 9 VAC 5-50-50 and Condition #14 of the 4/13/04 permit)

### **D. Testing**

- 1. The permitted facility shall be constructed so as to allow for emissions testing and monitoring upon reasonable notice at any time, using appropriate methods. Test ports shall be provided at the appropriate locations.  
(9 VAC 5-50-30, 9 VAC 5-80-110 and Condition #5 of the 4/13/04 permit)
- 2. If testing is conducted in addition to the monitoring specified in this permit, the permittee shall use the appropriate method(s) in accordance with procedures approved by the DEQ.  
(9 VAC 5-80-110)

## **VI. Facility Wide Conditions**

### **A. Limitations**

**Fugitive VOC Emission Controls** – Fugitive emission controls shall include the following, or equivalent, as a minimum: volatile organic compounds shall not be intentionally spilled, discarded to sewers, stored in open containers, or handled in any other manner that would result in evaporation beyond that consistent with air pollution control practices for minimizing emissions.

(9 VAC 5-50-260, 9 VAC 5-50-20, 9 VAC 5-50-90 and Condition #5 in the November 16, 2007 permit)

### **B. Monitoring**

1. All continuous monitoring systems and monitoring devices, as may be applicable for your source type, shall be installed and operational prior to conducting performance tests under 9 VAC 5-50-30 and 9 VAC 5-60-30. Performance evaluations of the continuous monitoring system must take place during the performance tests under Sections 9 VAC 5-50-30 and 9 VAC 5-60-30 or within 30 days thereafter. The Department (Director, Piedmont Regional Office) Board must be furnished with two copies of the report of the performance evaluations within 60 days of said evaluation.  
(9 VAC 5-50-40 and 9 VAC 5-60-40)
2. For the purposes of §60.13, all continuous monitoring systems required under applicable subparts shall be subject to the provisions of §60.13 upon promulgation of performance specifications for continuous monitoring systems under appendix B to this part and, if the continuous monitoring system is used to demonstrate compliance with emission limits on a continuous basis, appendix F to this part, unless otherwise specified in an applicable subpart or by the Administrator. Appendix F is applicable December 4, 1981.  
(9 VAC 5-50-410, 40 CFR 60 Subpart A 60.13(a))

### **C. Recordkeeping and Reporting**

1. The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Director, Piedmont Regional Office. These records shall be available on site for inspection by the DEQ and shall be current for the most recent five (5) years.  
(9 VAC 5-50-50, 9 VAC 5-80-110)
2. The permittee shall take the following measures in order to minimize the duration and frequency of excess emissions, with respect to air pollution control equipment which affect such emissions:
  - (a) Develop a maintenance schedule and maintain records of all scheduled and non-scheduled maintenance.

- (b) Maintain an inventory of spare parts.
  - (c) Have available written operating procedures for equipment. These procedures shall be based on the manufacturer's recommendations, at a minimum.
  - (d) Train operators in the proper operation of all such equipment and familiarize the operators with the written operating procedures. The permittee shall maintain records of the training provided including the names of trainees, the date of training and the nature of the training.
  - (e) At all times, including periods of startup, shutdown, soot blowing and malfunction, owners shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the board, which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source. Records of maintenance and training shall be maintained on site for a period of five years and shall be made available to DEQ personnel upon request.
- (9 VAC 5-50-20 E and 9 VAC 5-80-1180 D)

3. This permit may be modified or revoked in whole or in part for cause, including but not limited to, the following:
- (a) Violation of any terms or conditions of this permit;
  - (b) Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts;
  - (c) A change in any condition that requires either a temporary or permanent reduction or elimination of a permitted discharge; or
  - (d) Information that the permitted discharge of any pollutant poses a threat to human health, welfare, or the environment.
- (9 VAC 5-80-1210)

#### **D. Testing**

The permitted facility shall be designed and constructed so as to allow emissions testing using appropriate methods upon reasonable notice at any time.

(9 VAC 5-50-30 and 9 VAC 5-80-110)

## VII. Insignificant Emission Units

The following emission units at the facility are identified in the application as insignificant emission units under 9 VAC 5-80-720:

Facility	Emission Unit No.	Emission Unit Description	Citation	Pollutant Emitted	Rated Capacity
011	EG-02-01	Emergency Generator (Diesel)	5-80-720 C	NO <sub>x</sub> , SO <sub>2</sub> , VOC, CO, TSP, PM <sub>10</sub>	75 KW
011	TK-01-01	Diesel Gen. Supply Tank	5-80-720 B	VOC	N/A
017	CN-01-01	Housekeeping Vacuum	5-80-720 B	TSP, PM <sub>10</sub>	N/A
017	Various	Flavor Tanks	5-80-720 B	VOC, TSP, PM <sub>10</sub> , Odor	N/A
017	FS-01-01 to FS-06-01	Blending Dust Collection System	5-80-720 B	TSP, PM <sub>10</sub>	N/A
017	TK-18-01	Storage Tank	5-80-720 B	VOC	N/A
017	TK-17-01	Storage Tank	5-80-720 B	VOC	N/A
017	TK-20-01	Storage Tank	5-80-720 B	VOC	N/A
017	TK-20-02	Storage Tank	5-80-720 B	VOC	N/A
017	TK-19-01	Storage Tank	5-80-720 B	VOC	N/A
017	TK-16-01	Storage Tank	5-80-720 B	VOC	N/A
017	MT-01-01	Mixing Tank	5-80-720 B	VOC, Odor	N/A
017	TK-10-01, TK-11-01, TK-11-02	Solution Tanks (3)	5-80-720 B	VOC, Odor	N/A
017	MT-03-01, MT-03-02	Mixing Tanks (2)	5-80-720 B	VOC, Odor	N/A
017	TK-12-01 to TK-12-06	Aging Tanks (6)	5-80-720 B	VOC, Odor	N/A
017	TK-13-01, TK-14-01	Surge Tanks (2)	5-80-720 B	VOC, Odor	N/A
017	EG-01-01	Emergency Generator (Diesel)	5-80-720 C	NO <sub>x</sub> , SO <sub>2</sub> , VOC, CO, TSP, PM <sub>10</sub>	225 KW
017	TK-24-01	Diesel Gen. Supply Tank	5-80-720 B	VOC	N/A
017	TK-29-01	Solution Tank	5-80-720 B	VOC	N/A
017	DC-05-01	Dry Flavor Dumper Feeder	5-80-720 B	TSP, PM <sub>10</sub>	N/A
017	TP-10-01	Dry Flavor Pneumatic Transfer System	5-80-720 B	TSP, PM <sub>10</sub>	N/A
017	BX-03-01 FS-09-01	Dry Flavor Hopper & LIW Feeder	5-80-720 B	TSP, PM <sub>10</sub>	N/A
017	TP-11-01	Tobacco Pneumatic Transfer System	5-80-720 B	TSP, PM <sub>10</sub>	N/A

Facility	Emission Unit No.	Emission Unit Description	Citation	Pollutant Emitted	Rated Capacity
017	TK-25-01	Tobacco Surge Tank	5-80-720 B	TSP, PM <sub>10</sub>	N/A
017	TP-12-01	Tobacco Pneumatic Transfer System	5-80-720 B	TSP, PM <sub>10</sub>	N/A
017	TK-01-01 to TK-01-05	Tobacco Storage (5) Tanks	5-80-720 B	TSP, PM <sub>10</sub>	N/A
017	TP-13-01	Tobacco Pneumatic Transfer System	5-80-720 B	TSP, PM <sub>10</sub>	N/A
017	BX-02-01 FS-08-01	Tobacco Hopper & LIW Feeder	5-80-720 B	TSP, PM <sub>10</sub>	N/A
017	TP-14-01	Tobacco Pneumatic Transfer System	5-80-720 B	TSP, PM <sub>10</sub>	N/A
017	TK-27-01	Tobacco Surge Tank	5-80-720 B	TSP, PM <sub>10</sub>	N/A
017	TP-15-01	Tobacco Pneumatic Transfer System	5-80-720 B	TSP, PM <sub>10</sub>	N/A
017	TK-04-01 to TK-04-04	Tobacco Storage (4) Tanks	5-80-720 B	TSP, PM <sub>10</sub>	N/A
017	TP-16-01	Tobacco Pneumatic Transfer System	5-80-720 B	TSP, PM <sub>10</sub>	N/A
017	BX-01-01 FS-07-01	Tobacco Hopper & LIW Feeder	5-80-720 B	TSP, PM <sub>10</sub>	N/A
017	TP-17-01	Tobacco Pneumatic Transfer System	5-80-720 B	TSP, PM <sub>10</sub>	N/A
017	TK-26-01	Tobacco Surge Tank	5-80-720 B	TSP, PM <sub>10</sub>	N/A
017	PP-01-01 PP-01-02 VC-02-01 CO-01-01	Packing Dust Collection System	5-80-720 B	TSP, PM <sub>10</sub>	N/A
017	CW-A1-01	Natural Gas Hot Water Cleaning System	5-80-720 C	NO <sub>x</sub> , SO <sub>2</sub> , VOC, CO	300,000 Btu/hr
021	TK-01-01	No.2 Fuel Oil Tank	5-80-720 B	VOC	N/A
021	TK-01-02	No.2 Fuel Oil Tank	5-80-720 B	VOC	N/A
021	EG-01-01	Emergency Generator (Diesel)	5-80-720 C	NO <sub>x</sub> , SO <sub>2</sub> , VOC, CO, TSP, PM <sub>10</sub>	50 KW
021	EG-02-01	Emergency Generator (Diesel)	5-80-720 C	NO <sub>x</sub> , SO <sub>2</sub> , VOC, CO, TSP, PM <sub>10</sub>	125 KW
021	TK-01-01	Diesel Gen. Storage Tank	5-80-720 B	VOC	N/A
021	TK-05-01	Diesel Gen. Supply Tank	5-80-720 B	VOC	N/A
021	TK-04-01	Diesel Gen. Supply Tank	5-80-720 B	VOC	N/A
104	FU-01-01	Office Furnace (Natural Gas)	5-80-720 C	NO <sub>x</sub> , SO <sub>2</sub> , CO, VOC	140,000 Btu/hr
104	PU-01-01	Emergency Fire Pump (Diesel)	5-80-720 C	NO <sub>x</sub> , SO <sub>2</sub> , VOC, CO,	87 hp

Facility	Emission Unit No.	Emission Unit Description	Citation	Pollutant Emitted	Rated Capacity
				TSP, PM <sub>10</sub>	
104	TK-01-01	Diesel Fire Pump Supply Tank	5-80-720 B	VOC	N/A
104	TK-02-01	Gasoline Vehicle Fueling Tank	5-80-720 B	VOC	N/A
104	Various	Tobacco Warehouses	5-80-720 B	HAP	N/A
Various	N/A	Shop Parts Washers	5-80-720 B	VOC	N/A
Various	N/A	Hydraulic Oil Tanks	5-80-720 B	VOC	N/A

These emission units are presumed to be in compliance with all requirements of the federal Clean Air Act as may apply. Based on this presumption, no monitoring, recordkeeping, or reporting shall be required for these emission units in accordance with 9 VAC 5-80-110.

## **VIII. Compliance Plan**

Not Applicable



## **IX. Permit Shield and Inapplicable Requirements**

Compliance with the provisions of this permit shall be deemed compliance with all applicable requirements in effect as of the permit issuance date as identified in this permit. This permit shield covers only those applicable requirements covered by terms and conditions in this permit and the following requirements which have been specifically identified as being not applicable to this permitted facility:

Citation	Title of Citation	Description of Applicability
NA		

Nothing in this permit shield shall alter the provisions of §303 of the federal Clean Air Act, including the authority of the administrator under that section, the liability of the owner for any violation of applicable requirements prior to or at the time of permit issuance, or the ability to obtain information by the administrator pursuant to §114 of the federal Clean Air Act, (ii) the Board pursuant to §10.1-1314 or §10.1-1315 of the Virginia Air Pollution Control Law or (iii) the Department pursuant to §10.1-1307.3 of the Virginia Air Pollution Control Law.  
(9 VAC 5-80-140)

## **X. General Conditions**

### **A. Federal Enforceability**

All terms and conditions in this permit are enforceable by the administrator and citizens under the federal Clean Air Act, except those that have been designated as only state-enforceable.  
(9 VAC 5-80-110 N)

### **B. Permit Expiration**

This permit has a fixed term of five years. The expiration date shall be the date five years from the date of issuance. Unless the owner submits a timely and complete application for renewal to the Department consistent with the requirements of 9 VAC 5-80-80, the right of the facility to operate shall be terminated upon permit expiration.

1. The owner shall submit an application for renewal at least six months but no earlier than eighteen months prior to the date of permit expiration.
2. If an applicant submits a timely and complete application for an initial permit or renewal under this section, the failure of the source to have a permit or the operation of the source without a permit shall not be a violation of Article 1, Part II of 9 VAC 5 Chapter 80, until the Board takes final action on the application under 9 VAC 5-80-150.
3. No source shall operate after the time that it is required to submit a timely and complete application under subsections C and D of 9 VAC 5-80-80 for a renewal permit, except in compliance with a permit issued under Article 1, Part II of 9 VAC 5 Chapter 80.
4. If an applicant submits a timely and complete application under section 9 VAC 5-80-80 for a permit renewal but the Board fails to issue or deny the renewal permit before the end of the term of the previous permit, (i) the previous permit shall not expire until the renewal permit has been issued or denied and (ii) all the terms and conditions of the previous permit, including any permit shield granted pursuant to 9 VAC 5-80-140, shall remain in effect from the date the application is determined to be complete until the renewal permit is issued or denied.
5. The protection under subsections F 1 and F 5 (ii) of section 9 VAC 5-80-80 F shall cease to apply if, subsequent to the completeness determination made pursuant section 9 VAC 5-80-80 D, the applicant fails to submit by the deadline specified in writing by the Board any additional information identified as being needed to process the application.

(9 VAC 5-80-80 B, C and F, 9 VAC 5-80-110 D and 9 VAC 5-80-170 B)

### C. Recordkeeping and Reporting

1. All records of monitoring information maintained to demonstrate compliance with the terms and conditions of this permit shall contain, where applicable, the following:
  - c. The date, place as defined in the permit, and time of sampling or measurements.
  - d. The date(s) analyses were performed.
  - e. The company or entity that performed the analyses.
  - f. The analytical techniques or methods used.
  - g. The results of such analyses.
  - h. The operating conditions existing at the time of sampling or measurement.

(9 VAC 5-80-110 F)
2. Records of all monitoring data and support information shall be retained for at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.

(9 VAC 5-80-110 F)
3. The permittee shall submit the results of monitoring contained in any applicable requirement to DEQ no later than **March 1** and **September 1** of each calendar year. This report must be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:
  - a. The time period included in the report. The time periods to be addressed are January 1 to June 30 and July 1 to December 31.
  - b. All deviations from permit requirements. For purposes of this permit, deviations include, but are not limited to:
    - (1) Exceedance of emissions limitations or operational restrictions;
    - (2) Excursions from control device operating parameter requirements, as documented by continuous emission monitoring, periodic monitoring, or compliance assurance monitoring which indicates an exceedance of emission limitations or operational restrictions; or,

(3) Failure to meet monitoring, recordkeeping, or reporting requirements contained in this permit.

- c. If there were no deviations from permit conditions during the time period, the permittee shall include a statement in the report that “no deviations from permit requirements occurred during this semi-annual reporting period.”

(9 VAC 5-80-110 F)

#### **D. Annual Compliance Certification**

Exclusive of any reporting required to assure compliance with the terms and conditions of this permit or as part of a schedule of compliance contained in this permit, the permittee shall submit to EPA and DEQ no later than **March 1** each calendar year a certification of compliance with all terms and conditions of this permit including emission limitation standards or work practices. The compliance certification shall comply with such additional requirements that may be specified pursuant to §114(a)(3) and §504(b) of the federal Clean Air Act. This certification shall be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:

1. The time period included in the certification. The time period to be addressed is January 1 to December 31.
2. The identification of each term or condition of the permit that is the basis of the certification.
3. The compliance status.
4. Whether compliance was continuous or intermittent, and if not continuous, documentation of each incident of non-compliance.
5. Consistent with subsection 9 VAC 5-80-110 E, the method or methods used for determining the compliance status of the source at the time of certification and over the reporting period.
6. Such other facts as the permit may require to determine the compliance status of the source.

One copy of the annual compliance certification shall be sent to EPA at the following address:

Clean Air Act Title V Compliance Certification (3AP00)  
U. S. Environmental Protection Agency, Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029.

(9 VAC 5-80-110 K.5)

#### **E. Permit Deviation Reporting**

The permittee shall notify the Director, Piedmont Regional Office, within four daytime business hours of any discovery of any deviations from permit requirements which may cause excess emissions for more than one hour, including those attributable to upset conditions as may be defined in this permit. In addition, within 14 days of the discovery, the permittee shall provide a written statement explaining the problem, any corrective actions or preventative measures taken, and the estimated duration of the permit deviation. The occurrence should also be reported in the next semi-annual compliance monitoring report pursuant to General Condition X.C.3 of this permit.

(9 VAC 5-80-110 F.2 and 9 VAC 5-80-250)

#### **F. Failure/Malfunction Reporting**

In the event that any affected facility or related air pollution control equipment fails or malfunctions in such a manner that may cause excess emissions for more than one hour, the owner shall, as soon as practicable but no later than four daytime business hours after the malfunction is discovered, notify the Director, Piedmont Region by facsimile transmission, telephone or telegraph of such failure or malfunction and shall within 14 days of discovery provide a written statement giving all pertinent facts, including the estimated duration of the breakdown. Owners subject to the requirements of 9 VAC 5-40-50 C and 9 VAC 5-50-50 C are not required to provide the written statement prescribed in this paragraph for facilities subject to the monitoring requirements of 9 VAC 5-40-40 and 9 VAC 5-50-40. When the condition causing the failure or malfunction has been corrected and the equipment is again in operation, the owner shall notify the Director, Piedmont Region.

(9 VAC 5-20-180 C)

#### **G. Severability**

The terms of this permit are severable. If any condition, requirement or portion of the permit is held invalid or inapplicable under any circumstance, such invalidity or inapplicability shall not affect or impair the remaining conditions, requirements, or portions of the permit.

(9 VAC 5-80-110 G.1)

#### **H. Duty to Comply**

The permittee shall comply with all terms and conditions of this permit. Any permit noncompliance constitutes a violation of the federal Clean Air Act or the Virginia Air Pollution Control Law or both and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or, for denial of a permit renewal application.

(9 VAC 5-80-110 G.2)

**I. Need to Halt or Reduce Activity not a Defense**

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

(9 VAC 5-80-110 G.3)

**J. Permit Modification**

A physical change in, or change in the method of operation of, this stationary source may be subject to permitting under State Regulations 9 VAC 5-80-50, 9 VAC 5-80-1100, 9 VAC 5-80-1790, or 9 VAC 5-80-2000 and may require a permit modification and/or revisions except as may be authorized in any approved alternative operating scenarios.

(9 VAC 5-80-190 and 9 VAC 5-80-260)

**K. Property Rights**

The permit does not convey any property rights of any sort, or any exclusive privilege.

(9 VAC 5-80-110 G.5)

**L. Duty to Submit Information**

1. The permittee shall furnish to the Board, within a reasonable time, any information that the Board may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Board copies of records required to be kept by the permit and, for information claimed to be confidential, the permittee shall furnish such records to the Board along with a claim of confidentiality.

(9 VAC 5-80-110 G.6)

2. Any document (including reports) required in a permit condition to be submitted to the Board shall contain a certification by a responsible official that meets the requirements of 9 VAC 5-80-80 G.

(9 VAC 5-80-110 K.1)

**M. Duty to Pay Permit Fees**

The owner of any source for which a permit under 9 VAC 5-80-50 through 9 VAC 5-80-300 was issued shall pay permit fees consistent with the requirements of 9 VAC 5-80-310 through 9 VAC 5-80-350. The actual emissions covered by the permit program fees for the preceding year shall be calculated by the owner and submitted to

the Department by **April 15** of each year. The calculations and final amount of emissions are subject to verification and final determination by the Department. (9 VAC 5-80-110 H and 9 VAC 5-80-340 C)

#### **N. Fugitive Dust Emission Standards**

During the operation of a stationary source or any other building, structure, facility, or installation, no owner or other person shall cause or permit any materials or property to be handled, transported, stored, used, constructed, altered, repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions may include, but are not limited to, the following:

1. Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land;
2. Application of asphalt, water, or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which may create airborne dust; the paving of roadways and the maintaining of them in a clean condition;
3. Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty material. Adequate containment methods shall be employed during sandblasting or other similar operations;
4. Open equipment for conveying or transporting material likely to create objectionable air pollution when airborne shall be covered or treated in an equally effective manner at all times when in motion; and,
5. The prompt removal of spilled or tracked dirt or other materials from paved streets and of dried sediments resulting from soil erosion.

(9 VAC 5-40-90 and 9 VAC 5-50-90)

#### **O. Startup, Shutdown, and Malfunction**

At all times, including periods of startup, shutdown, soot blowing, and malfunction, owners shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Board, which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

(9 VAC 5-50-20)

**P. Alternative Operating Scenarios**

Contemporaneously with making a change between reasonably anticipated operating scenarios identified in this permit, the permittee shall record in a log at the permitted facility a record of the scenario under which it is operating. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions under each such operating scenario. The terms and conditions of each such alternative scenario shall meet all applicable requirements including the requirements of 9 VAC 5 Chapter 80, Article 1.

(9 VAC 5-80-110 J)

**Q. Inspection and Entry Requirements**

The permittee shall allow DEQ, upon presentation of credentials and other documents as may be required by law, to perform the following:

1. Enter upon the premises where the source is located or emissions-related activity is conducted, or where records must be kept under the terms and conditions of the permit.
2. Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of the permit.
3. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.
4. Sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

(9 VAC 5-80-110 K.2)

**R. Reopening For Cause**

The permit shall be reopened by the Board if additional federal requirements become applicable to a major source with a remaining permit term of three years or more. Such reopening shall be completed no later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 9 VAC 5-80-80 F.

1. The permit shall be reopened if the Board or the administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.



2. The permit shall be reopened if the administrator or the Board determines that the permit must be revised or revoked to assure compliance with the applicable requirements.
3. The permit shall not be reopened by the Board if additional applicable state requirements become applicable to a major source prior to the expiration date established under 9 VAC 5-80-110 D.

(9 VAC 5-80-110 L)

#### **S. Permit Availability**

Within five days after receipt of the issued permit, the permittee shall maintain the permit on the premises for which the permit has been issued and shall make the permit immediately available to DEQ upon request.

(9 VAC 5-80-150 E)

#### **T. Transfer of Permits**

1. No person shall transfer a permit from one location to another, unless authorized under 9 VAC 5-80-130, or from one piece of equipment to another.  
(9 VAC 5-80-160)
2. In the case of a transfer of ownership of a stationary source, the new owner shall comply with any current permit issued to the previous owner. The new owner shall notify the Board of the change in ownership within 30 days of the transfer and shall comply with the requirements of 9 VAC 5-80-200.  
(9 VAC 5-80-160)
3. In the case of a name change of a stationary source, the owner shall comply with any current permit issued under the previous source name. The owner shall notify the Board of the change in source name within 30 days of the name change and shall comply with the requirements of 9 VAC 5-80-200.  
(9 VAC 5-80-160)

#### **U. Malfunction as an Affirmative Defense**

1. A malfunction constitutes an affirmative defense to an action brought for noncompliance with technology-based emission limitations if the conditions of paragraph 2 are met.
2. The affirmative defense of malfunction shall be demonstrated by the permittee through properly signed, contemporaneous operating logs, or other relevant evidence that show the following:
  - a. A malfunction occurred and the permittee can identify the cause or causes of the malfunction.

- b. The permitted facility was at the time being properly operated.
  - c. During the period of malfunction, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit.
  - d. The permittee notified the board of the malfunction within two working days following the time when the emission limitations were exceeded due to the malfunction. This notification shall include a description of the malfunction, any steps taken to mitigate emissions, and corrective actions taken. The notification may be delivered either orally or in writing. The notification may be delivered by electronic mail, facsimile transmission, telephone, or any other method that allows the permittee to comply with the deadline. This notification fulfills the requirements of 9 VAC 5-80-110 F 2 b to report promptly deviations from permit requirements. This notification does not release the permittee from the malfunction reporting requirement under 9 VAC 5-20-180 C.
- 3. In any enforcement proceeding, the permittee seeking to establish the occurrence of a malfunction shall have the burden of proof.
  - 4. The provisions of this section are in addition to any malfunction, emergency or upset provision contained in any requirement applicable to the source.

(9 VAC 5-80-250)

#### **V. Permit Revocation or Termination for Cause**

A permit may be revoked or terminated prior to its expiration date if the owner knowingly makes material misstatements in the permit application or any amendments thereto or if the permittee violates, fails, neglects or refuses to comply with the terms or conditions of the permit, any applicable requirements, or the applicable provisions of 9 VAC 5 Chapter 80 Article 1. The Board may suspend, under such conditions and for such period of time as the Board may prescribe, any permit for any of the grounds for revocation or termination or for any other violations of these regulations.

(9 VAC 5-80-190 C and 9 VAC 5-80-260)

#### **W. Duty to Supplement or Correct Application**

Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrections. An applicant shall also provide additional information as necessary to address any requirements that become applicable to the source after the date a complete application was filed but prior to release of a draft permit.

(9 VAC 5-80-80 E)

## **X. Stratospheric Ozone Protection**

If the permittee handles or emits one or more Class I or II substances subject to a standard promulgated under or established by Title VI (Stratospheric Ozone Protection) of the federal Clean Air Act, the permittee shall comply with all applicable sections of 40 CFR Part 82, Subparts A to F.  
(40 CFR Part 82, Subparts A-F)

## **Y. Accidental Release Prevention**

If the permittee has more, or will have more than a threshold quantity of a regulated substance in a process, as determined by 40 CFR 68.115, the permittee shall comply with the requirements of 40 CFR Part 68.  
(40 CFR Part 68)

## **Z. Changes to Permits for Emissions Trading**

No permit revision shall be required under any federally approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in this permit.  
(9 VAC 5-80-110 I)

## **AA. Emissions Trading**

Where the trading of emissions increases and decreases within the permitted facility is to occur within the context of this permit and to the extent that the regulations provide for trading such increases and decreases without a case-by-case approval of each emissions trade:

1. All terms and conditions required under 9 VAC 5-80-110, except subsection N, shall be included to determine compliance.
2. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions that allow such increases and decreases in emissions.
3. The owner shall meet all applicable requirements including the requirements of 9 VAC 5-80-50 through 9 VAC 5-80-300.

(9 VAC 5-80-110 I)

## **XI. State-Only Enforceable Requirements**

The following terms and conditions are not required under the federal Clean Air Act or under any of its applicable federal requirements, and are not subject to the requirements of 9 VAC 5-80-290 concerning review of proposed permits by EPA and draft permits by affected states.

### **1. Odor.**

The owner shall use the best available control technology as approved by the Board for the control of odorous emissions.  
(9 VAC 5-50-140 A and 9 VAC 5-50-310)

No owner or other person shall cause or permit to be discharged into the atmosphere from any affected facility any odorous emissions in excess of that resultant from using best available control technology, as reflected in any condition that may be placed upon the permit approval for the facility.  
(9 VAC 5-50-140 B)

### **2. State toxics rule**

Regardless of any other provision of this section, any facility which is subject to the provisions of 9 VAC 5-50-170 through 9 VAC 50-230 shall shut down immediately upon request of the Board if its emissions increase in any amount because of a bypass, malfunction, shutdown, or failure of the facility or its associated air pollution control equipment; and such facility shall not return to operation until it and the associated air pollution control equipment are able to operate in a proper manner.  
(9 VAC 5-20-180 F3)